

**BARBERING & COSMETOLOGY EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
AUGUST 2, 1999**

PRESENT: John Fahey, Barbara Flaherty, Leon Lauer, Marville Martin, Bruce Bennett,
Lorraine Norem, Danny Trotter

EXCUSED: Toni Ann Palermo

STAFF PRESENT: Alfred Hall, Jr., John Schweitzer, and Jan Neitzel; Darwin Tichenor and
Members of Division of Enforcement Staff were present for portions of the
meeting.

GUESTS: Numerous Guests

CALL TO ORDER

The meeting was called to order at 9:32 a.m. by Barb Flaherty, Chair, upon confirmation that the public notice was timely given. A quorum of seven members was present.

AGENDA

Alfred Hall stated that 2 items needed to be added to the agenda: 1) Practice Issues: add item 7d-Booth Rental and 2) Closed Session Stipulations: add-Malcome Brown (Glendale, WI).

MOTION: Danny Trotter moved, seconded by Leon Lauer, to approve the agenda as amended. Motion carried unanimously.

MINUTES (6/7/99)

A public member questioned the minutes of 6/7/99 under Bureau of Apprenticeship Standards Update. The Board agreed that #3 should say, "Apprentices complete their hours, apply for the barber/cosmetology test, apply and work under a temporary permit".

MOTION: Danny Trotter moved, seconded by Lorraine Norem, to approve the minutes as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary's Report

- Update on Advisory Committee for Aestheticians and Electrologists Scope of Practice

Secretary Cummings discussed the importance of each licensed profession having a scope statement.

Secretary Cummings discussed her handout of July 21, 1999, relating to domestic abuse and the opportunity for the barber/cosmetology profession to be trained in identifying the signs of domestic abuse and their role in helping the victims.

- Board Member Workshop

Secretary Cummings commented on the large number of Board members that attended the Board Member Workshop.

Several of the Board members remarked on the high quality of the information they received at the Board Member Workshop.

Alfred Hall discussed Bruce Bennett's request that a workshop be held specifically for the Barber/Cosmetology Board, stating that a public hearing and notice would be required.

Bureau Director's Report

- June 1999, Roster

Alfred Hall requested that the Board update their information on the June 1999, Board roster, to include fax numbers and E-mail addresses.

Alfred Hall discussed the roster's professional listings and will change all professions to barber/cosmetology.

Alfred Hall explained that Toni Palermo is a "sitting" member on the Board, until a replacement is named, even though her term on the Board has expired.

- Regulatory Digest Draft

Alfred Hall will send a copy of the Regulatory Digest in the October 4, 1999, agenda packet.

- To-Pass Folder

Information was circulated in the To-Pass Folder and duly noted.

LEGISLATIVE UPDATE

Status of Proposed Remedial Legislation Relating to Education Requirements for Barber, Cosmetologist, Barber Manager, Cosmetologist Manager, Aesthetician, Electrologist and Manicurist Licenses

The Board discussed the proposed legislation relating to education requirements for the barber/cosmetologist profession and the relationship of education to reciprocity and equivalency for professionals from other states wanting to practice in Wisconsin.

Status of Revision to sec. 454.06(1)(b) re: Conviction

The Board discussed the revision to sec. 454.06(1)(b), Stats., and agreed that removing "relating to barber/cosmetology" allows the Board more control over licensure of felons.

MOTION: Lorraine Norem moved, seconded by John Fahey, to remove "relating to barber/cosmetology" from sec. 454.06(1)(b), Stats. Motion carried unanimously.

ADMINISTRATIVE RULES

Proposed Rules re: Creating Salon Visits as Theory Hours

The Board received a copy of the June 8, 1999, memo from John Schweitzer relating to proposed language for a rule change to credit salon visits as theory hours.

The Board discussed the pros and cons of permitting 8 theory hours for structured salon visits conducted by a school.

MOTION: John Fahey moved, seconded by Leon Lauer, to remove from BC 5.02, Section XI, "up to 8". Motion carried unanimously.

The Board, in response to a question from a guest, will discuss crediting salon visits as theory hours for manicurists, aestheticians, and electrologists at the October 4, 1999, Board meeting.

The Board discussed RL 62.11(1) and agreed that the rule should include the same terminology as BC 5.02.

MOTION: Bruce Bennett moved, seconded by Leon Lauer, to request the Department of Regulation and Licensing to change the wording in RL 62.11(1) to be comparable to the wording in BC 5.02. Motion carried unanimously.

PRACTICE ISSUES

OSHA Requirements-Material Data Sheets

The Board discussed the use of Material Data Sheets and will discuss the subject more at the October 4, 1999, Board meeting.

Limited Licenses re: Shampooing, Hair Braiding and Weaving

The Board received a copy of the December 4, 1998, Tennessee Candidate Information Brochure, for Natural Hair Examination.

The Board received a copy of the Tennessee cosmetology law and rules, 62-12-102, relating to natural hair styling.

Alfred Hall explained the 3 types of credentialing; licensure, registration, and certification. Mr. Hall stated that a limited license is actually a limited registration.

Barb Flaherty requested that Alfred Hall contact neighboring states for information on protocols regarding registration of people who shampoo, braid and weave hair.

A guest stated that only a "licensed" professional can be hired, according to Wisconsin's barber/cosmetology rules.

Nail Artistry after Manicuring Service

The Board discussed nail artistry performed after a manicuring service and agreed that a person working in a licensed establishment must be licensed.

Booth Rental Clarification

The Board clarified that booth rentals can operate under the establishment license or can obtain their own license.

APPRENTICESHIP PROGRAM

Nothing to report.

EXAMINATION ISSUES

Elimination of Requirement for Practical Examinations

Darwin Tichenor stated the Department of Regulation and Licensing regulates the instructor's practical exam and the exam would need to be studied by a committee before any changes could occur. The requirements for a practical exam for barber/cosmetologists, manicurists, aestheticians and electrologists are in the rules. A rule change would be needed.

The Board discussed the pros and cons of eliminating the practical exam for instructors and agreed to survey the barber/cosmetology industry regarding elimination of the practical exams.

Darwin Tichenor will provide information on how to conduct a survey.

MOTION: John Fahey moved to eliminate the practical exam. Motion died due to lack of a second.

Review of Practitioner Exam

Darwin Tichenor explained that the practitioner written exam has not been assessed for 5 years. The Board agreed to form a committee to assess the written exam.

Wisconsin Barber and Cosmetology Practical Analysis Survey Report

The Board received a copy of the September 1998, Wisconsin Barbering and Cosmetology Practice Analysis Survey Report.

Results of Post-Facto Practitioner Exam Re-scores

Darwin Tichenor stated that of the 381 participants who took the practitioner exam from June 1, 1998 through June 1, 1999, and originally failed, 126 passed the exam when the individual test scores were averaged.

DIVISION OF ENFORCEMENT

Nothing to report.

LEGAL COUNSEL REVIEW OF PHONE INQUIRIES

John Schweitzer, Board legal Counsel, discussed the question he received relating to approved products used for permanent eyelash tinting.

The Board answered Mr. Schweitzer's question, stating that derma planing and hair painting are accepted practices in the barber/cosmetology profession.

BOARD MEMBER ACTIVITY

Board Member Workshop Report

Barb Flaherty reported on the benefits of the Board Member Workshop and encouraged the other Board members to participate in the future.

PUBLIC COMMENTS

Nothing to report.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

The Board will have a strategic planning session at the October 4, 1999, Board meeting.

NEW BUSINESS

No new business.

RECESS TO CLOSED SESSION

MOTION: Lorraine Norem moved, seconded by Bruce Bennett, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, deliberation on stipulations that may be signed after printing of the agenda, deliberation on proposed disciplinary actions that may be signed after printing of agenda, pending applications, apprentice requests for transfer, requests for appeal of denial, hearings on denied applications, and examination issues. Motion carried by a roll call vote: Bruce Bennett-yes; Leon Lauer-yes; Marville Martin-yes; Lorraine Norem-yes; Danny Trotter-yes; Barbara Flaherty-yes.

Open Session recessed at 12:02 p.m.

CLOSED SESSION

The Board deliberated on case closings, stipulations, and proposed disciplinary actions.

ADJOURN CLOSED SESSION

MOTION: Leon Lauer moved, seconded by Marville Martin, to reconvene in Open Session at 1:07 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Leon Lauer moved, seconded by Marville Martin, to close the following cases presented by the Division of Enforcement. Motion carried unanimously.

97 BAC 086	Orlando Williams	L2 (lack of jurisdiction)
99 BAC 026	Kimberly Lipke	P3 (more than a minor violation)
98 BAC 139	Erin Cunningham	Insufficient Evidence

MOTION: Marville Martin moved, seconded by John Fahey, to close the following case presented by the Division of Enforcement. Motion carried unanimously.

96 BAC 155 Younkers Beauty Salon L2

ADMINISTRATIVE WARNING

MOTION: Marville Martin moved, seconded by John Fahey, to issue an administrative warning to **Kay Ramsey** (Appleton, WI.) Motion carried unanimously.

STIPULATIONS

MOTION: John Fahey moved, seconded by Bruce Bennett, to accept the Stipulations, Findings of Fact, Conclusions of Law and Orders in the matters involving the following Stipulations. Motion carried unanimously.

Phuong Duong (Sun Prairie, WI)
Andrew J. Kelly (Summerlin, NV)
Malcolm J. Brown (Glendale, WI)

DISCIPLINARY ACTIONS

Eldon Page (Racine WI)

MOTION: Leon Lauer moved, seconded by Lorraine Norem, to accept the Stipulations, Findings of Fact, Conclusions of Law and Orders in the disciplinary matters involving Eldon Page. Motion carried unanimously.

ADJOURNMENT

MOTION: Leon Lauer moved, seconded by Bruce Bennett, to adjourn the meeting at 2:05 p.m. Motion carried unanimously.